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 Staff report approved by: Dan Carl
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APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION ONLY

Appeal number **A-3-SCO-08-040, East Cliff Drive (Twin Lakes State Beach) RV Parking Ban**

Applicant Santa Cruz County Public Works Department

Appellants Richard Bartlett, Carolee Burrows, Gary Cunningham, Peter Heylin, Barbara Litsky, Gary Marcum, Cliff Osborne, Robert Rasmussen, Nina Siederbrig, Jean-Anne Taormina, Patrick Tracy, and Mary Twisselman

Local government Santa Cruz County

Local decision Santa Cruz County Coastal Development Permit (CDP) 08-0147 approved by the Santa Cruz County Planning Commission on July 11, 2008.

Project location East Cliff Drive adjacent to Twin Lakes State Beach between 5th and 7th Avenues in the Live Oak beach area of Santa Cruz County.

Project description Prohibit recreational vehicle (RV) parking within the public right-of-way.

File documents Santa Cruz County CDP Number 08-0147; Santa Cruz County certified Local Coastal Program (LCP).

Staff recommendation ... **No Substantial Issue Exists**

A. Staff Recommendation

1. Summary of Staff Recommendation

Santa Cruz County approved a CDP authorizing a recreational vehicle (RV) parking ban along East Cliff Drive between 5th and 7th Avenues adjacent to Twin Lakes State Beach and the Santa Cruz Harbor. This stretch of East Cliff is immediately adjacent to the state beach (and in fact spills over onto it in places) and is part of an important public viewshed. It is also a very narrow stretch of road where a series of competing user groups (i.e., joggers, bikers, pedestrians, beach goers, vehicular parkers, RV enthusiasts, etc.) jockey for limited space, including extremely limited parking space, and where user conflict is generally high, particularly during peak use periods. The County indicates that the purpose of the parking ban is to enhance public safety and public views along East Cliff Drive by removing RVs from this equation.



The Appellants contend that the County's action is inconsistent with the LCP because it unfairly restricts public access to Twin Lakes State Beach for RV users and for disabled persons who use RVs for day parking at Twin Lakes State Beach.

The Appellants generally raise issues in two key Coastal Act/LCP issue areas: 1) public recreational access to parks and the shoreline/beach; and 2) visual resource protection. With respect to public recreational access, the Coastal Act and the LCP require the protection, maximization, and enhancement of public access and recreational opportunities, including parking, along the coast, consistent with public safety and the protection of natural resources. The LCP also contains express provisions encouraging recreational access opportunities to parks and the beach for people with disabilities. In terms of visual resource protection, the LCP requires that visual intrusion into the East Cliff Drive and beach viewshed be minimized. As is often the case, parking and visual resource protection are at odds with each other at this location. While public parking opportunities are an essential element of public access, a solid line of vehicles along the beachfront is a visual intrusion into the beach viewshed, and both blocks and otherwise mars through views from the road.

Parking restrictions often are proposed because of recognized problems with parking related to public safety, public nuisance, inappropriate camping, and other issues. In such cases, it is important that the problem be clearly identified and substantiated, and that the response be as focused as possible to address the problem while avoiding public access impacts as much as possible. Santa Cruz County has made a valid case that RV use of the public parking areas in question creates a public safety risk and negatively impacts visual resources along Twin Lakes State Beach. The Appellants, on the other hand, have raised compelling arguments in opposition to the proposed RV parking restriction. The essence of these arguments relate to general principles of fairness – i.e. that the proposed ban unfairly singles out RV users, some of whom may also be disabled. Translated into Coastal Act and LCP terms, this argument raises valid questions related to the potential impacts of the parking ban on public recreational access opportunities.

However, Staff believes that although the appeal raises valid LCP questions deserving of thoughtful consideration, the Appellants' contentions do not raise a substantial issue with respect to Coastal Act and LCP conformance. It is true that the parking ban will mean that RV users will need to park elsewhere, and potentially some disabled persons who are also RV users will need to park elsewhere, but it is also clear that this two-block stretch of coastline is not equipped for nor designed for RV parking and use. In fact, there is hardly space along this narrow stretch of heavily used road for even non-RVs to park at all. Removing RVs from the parking equation along the two blocks of shoreline affected by the ban will not significantly adversely impact public access opportunities overall, and in fact will improve such opportunities for all but RV users (including disabled persons who don't use RVs) with respect to public safety. The ban will also improve public views from East Cliff Drive as well as along the beach itself. In sum, the RV parking ban will ultimately increase public access and recreational opportunities for the general public and decrease visual intrusion into the beach viewshed.

Staff therefore recommends that the Commission find that no substantial issue exists with respect to the grounds on which the appeal was filed, and that the Commission decline to take jurisdiction



over the CDP for the project. The required motion and resolution are found directly below.

2. Staff Recommendation on Substantial Issue

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the County’s decision in this matter would be final (conversely, a finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action).

Motion. I move that the Commission determine that Appeal Number A-3-SCO-08-040 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue. Staff recommends a **YES** vote. Passage of this motion will result in a finding of no substantial issue and adoption of the following resolution and findings. If the Commission finds no substantial issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find No Substantial Issue. The Commission hereby finds that Appeal Number A-3-SCO-08-040 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Report Contents

A. Staff Recommendation.....	1
1. Summary of Staff Recommendation.....	1
2. Staff Recommendation on Substantial Issue.....	3
B. Findings and Declarations	4
1. Project Location	4
2. Project Description	6
3. Santa Cruz County CDP Approval	6
4. Appeal Procedures	7
5. Summary of Appeal Contentions.....	8
6. Substantial Issue Determination	9
A. Applicable LCP Policies	9
B. Analysis	10
C. Exhibits	
Exhibit 1: Project Location Maps and Photos	
Exhibit 2: Santa Cruz County CDP Action	
Exhibit 3: Appeals of Santa Cruz County CDP Action	

Click on the links to go to the exhibits. (Exhibits 3 and 4 are in the same file.)



Exhibit 4: Cited and Applicable Coastal Act and LCP Policies
Exhibit 5: Correspondence Received

B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Location

The proposed project is located along East Cliff Drive between 5th and 7th Avenues adjacent to Twin Lakes State Beach and the Santa Cruz Harbor in the Live Oak beach area of Santa Cruz County.

Santa Cruz County Regional Setting

Santa Cruz County is located on California's central coast and is bordered to the north and south by San Mateo and Monterey Counties (see Exhibit 1). The County's shoreline includes the northern half of the Monterey Bay and the rugged north coast extending to San Mateo County along the Pacific Ocean. The County's coastal zone resources are varied and oftentimes spectacular, including the Santa Cruz Mountains coastal range and its vast forests and streams; an eclectic collection of shoreline environments ranging from craggy outcrops to vast sandy beaches (in both urban and more rural locations); numerous coastal wetland, lagoon and slough systems; habitats for an amazing variety and number of endangered species; water and shore oriented recreational and commercial pursuits, including world class skimboarding, bodysurfing, and surfing areas; internationally renowned marine research facilities and programs; special coastal communities; vast State Park lands; and the Monterey Bay itself. The unique grandeur of the region and its national significance was formally recognized in 1992 when the area offshore of the County became part of the Monterey Bay National Marine Sanctuary (MBNMS), the largest of the thirteen such federally protected marine sanctuaries in the nation.

Live Oak is part of a larger area, including the Cities of Santa Cruz and Capitola, that is home to some of the best recreational beaches and ocean waters in the Monterey Bay area. Not only are north Monterey Bay weather patterns more conducive to beach and ocean recreation than the rest of the Monterey Bay area, and not only is it also home to multiple world class surfing areas, but north bay beaches are generally the first beaches accessed by visitors coming from the north of Santa Cruz. With Highway 17 providing the primary access point from the north (including from the San Francisco Bay Area, San Jose and the Silicon Valley) into the Monterey Bay area, Santa Cruz, Live Oak, and Capitola are the first coastal areas that visitors encounter upon traversing the Santa Cruz Mountains (see Exhibit 1). As such, the Live Oak beach area is an important coastal access asset for not only Santa Cruz County, but also the entire central and northern California region.

Live Oak Beach Area



Live Oak is the name for the unincorporated segment of Santa Cruz County located between the City of Santa Cruz (upcoast) and the City of Capitola (downcoast) (see Exhibit 1). The Live Oak coastal area is well known for excellent public access opportunities for beach area residents, other Live Oak residents, other Santa Cruz County residents, and visitors to the area. Walking, biking, skating, viewing, skimboarding, bodysurfing, surfing, fishing, sunbathing, and more are all among the range of recreational activities possible along the Live Oak shoreline. In addition, Live Oak also provides a number of different coastal environments including sandy beaches, rocky tidal areas, blufftop terraces, and coastal lagoons. These varied coastal characteristics make the Live Oak shoreline unique in that a relatively small area (roughly three miles of shoreline) can provide different recreational users a diverse range of alternatives for enjoying the coast. By not being limited to one large, long beach, or solely an extended stretch of rocky shoreline, the Live Oak shoreline accommodates recreational users in a manner that is typical of a much larger access system.

East Cliff Drive

East Cliff Drive, the first through public road inland of the ocean, is the major coastal thoroughfare through the Live Oak beach area of Santa Cruz County, and is a major segment of the California Coastal Trail. This roadway winds through the Live Oak beach area from the Santa Cruz Harbor through to Opal Cliffs, providing shoreline and ocean vistas where it is not impeded by parked vehicles, residential and other development. Substantial residential development has occurred seaward of most of East Cliff Drive that mostly blocks available coastal vistas from the road. This is in contrast to some other nearby urban areas where the first through public road is located immediately adjacent to the ocean, and residential development is confined inland of it (for example, West Cliff Drive in the City of Santa Cruz). Although it is not developed with significant recreational trail amenities (lacking even sidewalks in most locations, including the subject site), East Cliff Drive is an important recreational and other access facility that is used by a significant number of people (i.e., drivers, joggers, bicyclists, walkers, etc.) on an everyday basis.

Twin Lakes State Beach

The proposed project is located along both sides of the East Cliff Drive public right-of-way between 5th Avenue and 7th Avenue adjacent to State Parks' (DPR's) Twin Lakes State Beach unit and the Santa Cruz Harbor. Twin Lakes State Beach straddles the Santa Cruz Harbor, and features a mile of sandy shoreline (almost 100 acres of beach) that is an extremely popular recreational destination.¹ Twin Lakes is also adjacent to Schwann Lagoon and includes the smaller Bonita Lagoon, both of which are excellent locations for bird watching. Public amenities at Twin Lakes State Beach include public restrooms, outdoor showers, picnic areas, vista benches, and seasonal lifeguard service, volleyball nets, and fire pits. Twin Lakes State Beach is also centrally located in relation to Harbor and surrounding area businesses and restaurants, increasing its appeal to coastal visitors.

East Cliff Drive Between 5th and 7th Avenues

¹ According to DPR, Twin Lakes has a visitor attendance of more than a million day-users per year. Major recreational activities include swimming, surfing, sunbathing, and other beach use. It is the most highly used beach area in unincorporated Santa Cruz County.



The project area extends along East Cliff Drive from the entrance to the Harbor at 5th Avenue through to 7th Avenue downcoast. Unlike most of East Cliff Drive, the section in question is one of the few where the road is immediately adjacent to the shoreline and not blocked from it by intervening residential development. The paved road section here is narrow, with a limited shoulder for parking and other activities. On the inland side of the road this is due to private encroachments into the public right-of-way and a series of driveways.² On the seaward side of the road this is because the road disappears into the sandy beach itself at Twin Lakes (nearest 5th Avenue) or is located atop a bluff edge (nearest 7th Avenue). Even so, this narrow stretch of road is extremely popular, and a series of competing user groups (i.e., joggers, bikers, pedestrians, beach goers, vehicular parkers, etc.) jockey for limited space, including extremely limited parking space. As a result, user conflict is generally high, particularly during peak use periods.

The County Redevelopment Agency has been planning a major redevelopment of the project area for a number of years. This project has had many forms and names, and is currently known as the Twin Lakes Beach Front project. This Beach Front project, when fully realized, is intended to improve the aesthetics, functionality, and safety of the stretch of East Cliff Drive from 5th Avenue through to 12th Avenue fronting Twin Lakes State Beach. Although still in its design phase, the objective is to create a wide public recreational access promenade that will extend along the seaward side of the road, and to provide improved bicycle access, parking, drop-off areas, and related public access amenities (including benches, bike racks, landscaping, etc.). This project is expected to come to fruition in the next several years.³

See maps and photos showing the project area in Exhibit 1.

2. Project Description

The proposed project would ban RV parking along both sides of East Cliff Drive between 5th Avenue and 7th Avenue. The County indicates that the purpose of the parking ban is to enhance public safety and public views along East Cliff Drive.

3. Santa Cruz County CDP Approval

On July 11, 2008, the Santa Cruz County Planning Commission approved CDP Application Number 08-0147. The Planning Commission's approval was not appealed locally to the Board of Supervisors.⁴ On

² Commission staff has been working closely with County staff to resolve the issue of such encroachments into public rights-of-way in the Live Oak beach area for many years, including in relation to the project area. This collaboration has resulted in notable successes where the right-of-way was "reclaimed" for public uses (including along 30th Avenue and surrounding streets, along East Cliff Drive at Pleasure Point, etc.). At this location, ultimate resolution of these encroachment issues is expected to be folded into the County's upcoming redevelopment project (see below).

³ A complete Twin Lakes Beach Front project description and a visual conception of a portion of the project can be found on the County's website at <http://sccounty01.co.santa-cruz.ca.us/red/CurrProjects.htm#Twin%20Lakes>.

⁴ Because the County charges a fee for such appeals, potential appellants are not required to exhaust their local appeal remedies prior to appealing to the Commission. Unfortunately, this means that local appellate bodies are not afforded the opportunity of potentially



July 30, 2008 notice of the County's final CDP action was received in the Commission's Central Coast District Office (see Exhibit 2 for the County's CDP approval documents).

4. Appeal Procedures

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. The County's CDP decision on this project is appealable to the Commission because it involves development that is located between the first public road and the sea (and in fact includes the first public road, East Cliff Drive) and it is located within 300 feet of the beach and bluffs at Twin Lakes State Beach.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.⁵ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (California Code of Regulations Title 14 Section 13155(b)). In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;

addressing LCP-related issues and heading off appeals to the Coastal Commission. Commission staff have long recommended to the County that fees on local appeals for CDP items be eliminated so as to allow the local appeal process to function properly as envisioned, and to hopefully resolve local appeal issues locally (and ultimately to avoid appeals to the Commission). However, to date, the County has resisted this recommendation.

⁵ Even when the Commission chooses not to conduct a de novo CDP hearing on an appealed project, appellants nevertheless may still obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure Section 1094.5.



- The precedential value of the local government's decision for future interpretations of its LCP; and,
- Whether the appeal raises only local issues, or those of regional or statewide significance.

Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea, and thus this additional finding would need to be made if the Commission approved the project following a de novo hearing.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant and the Applicant's representatives, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

5. Summary of Appeal Contentions

The Coastal Commission's ten-working day appeal period for the County's CDP action began on July 31, 2008 and concluded at 5 pm on August 13, 2008. Eleven appeals were submitted in opposition to the proposed parking restriction during this time (see Exhibit 3 for a complete set of the appeal documents).

Overall and generally, the Appellants contend that the County's action unfairly restricts public access to Twin Lakes State Beach for RV users and for disabled persons who use RVs for day parking at Twin Lakes State Beach. These contentions can be distilled to two key Coastal Act/LCP issue areas: 1) public access to parks and the shoreline/beach; and 2) visual resource protection.⁶

More specifically, six of the appeals are identical,⁷ and these appeals focus on the collective statement that:

The Zoning Report says that the Local Coastal Program the "LCP" would not be at a significant loss because there is RV camping directly adjacent to this location. This \$40 dollar a night RV area is almost a mile inland at the very end of the upper harbor and there is no beach up there! Besides we would be losing a day spot, this upper harbor is for overnight camping.

This statement raises legitimate LCP concerns regarding public access opportunities. These appeals also

⁶ The Appellants contentions are essentially focused on principles of fairness, and only one of the appeals (from Appellant Peter Heylin) actually references potentially applicable policies. The Commission has considered the appeals broadly in this sense, and related the concerns identified to applicable Coastal Act and LCP policies as relevant.

⁷ Appeals from Richard Bartlett, Carolee Burrows, Barbara Litsky, Jean-Anne Taormina, Patrick Tracy & Mary Twisselman, and Nina Siederbrig.



appear to question the County's finding that the proposed parking restriction would improve safety overall. These Appellants have asserted that cars parked at a slant take up more shoulder space than a parallel parked RV, and therefore pedestrians and cyclists are forced further into traffic by perpendicularly parked automobiles as opposed to parallel parked RVs.

The remaining five appeals raise similar LCP concerns with respect to fair public access, safety, and visual impacts, along with some additional appellant-specific issues. Specifically, Appellant Rasmussen questions the County's findings that the proposed project will result in protection of visual resources, and Appellant Heylin cites relevant LCP sections related to public access to the coastal zone, and specifically access for people with disabilities.

In sum, it is clear that the Appellants are making several fundamental contentions that can be generally categorized in a Coastal Act and LCP sense. The Appellants' contentions as to why the County's CDP decision is inconsistent with the LCP can be grouped into the following general categories:

- The proposed RV parking restriction violates Coastal Act/LCP provisions related to maximizing public access to parks and the shoreline/beach for public recreational opportunities, including for persons with disabilities;
- The County's reliance on safety concerns to justify potential negative impacts to public access is not warranted because automobile parking along the proposed project area creates similar or worsens public safety conditions;
- The proposed RV parking restriction will not improve the beach viewshed in any meaningful way.

See Exhibit 3 for the complete appeal documents, see Exhibit 4 for cited and applicable policies, and see Exhibit 5 for correspondence received by Commission regarding the appeals.

6. Substantial Issue Determination

A. Applicable LCP Policies

The standard of review for the appeal contentions related to public recreational access are the access and recreation policies of the LCP and the Coastal Act. The standard of review for the appeal contentions related to visual resources are the visual resource policies of the LCP.

Public Access and Recreation Consistent with Public Safety

The LCP and the Coastal Act require public access and recreational opportunities to parks and along the coast to be protected and maximized, including public access parking (including Coastal Act Policies 30210, 30211, 30212.5, 30213, 30220, 30221, and 30223, and LCP Objectives 7.1a, 7.7a, 7.7b, and 7.7c and LCP Policies 7.5.7 and 7.7.10 and 7.7.15) (see Exhibit 4 for these policies). These requirements recognize and protect public recreational access opportunities, including with respect to access to parks and the shoreline/beach, and protecting such access for persons with disabilities. These requirements and the others identified emanate in part from the Coastal Act and LCP requirement to provide



maximum recreational access. Such requirements must also be understood in terms of the complementary requirement that any such access be consistent with public safety needs.

Visual Resources

The LCP requires protection of public viewsheds, character, and aesthetics within the County's coastal zone (including LCP Objectives 5.10a and 5.10b and LCP Policies 5.10.2, 5.10.6, 5.10.7, 5.10.9) (see Exhibit 4). These policies and protections apply specifically to the project area due to its location in the significant and LCP protected viewsheds of East Cliff Drive and Twin Lakes State Beach.

B. Analysis

Public Access and Recreation Consistent with Public Safety

The proposed RV parking ban would reduce public access and recreational opportunities for RV users at a significant public access destination and resource. However, the County has provided appropriate reasons for such parking restrictions (see Exhibit 2 for the County's complete CDP findings), including that:

- The increased space needs of RVs compromise the safety of pedestrians, bicycles and traffic circulation;
- Elimination of RV parking in the designated area will increase available space for parking normal-sized vehicles, thereby improving public access and recreational opportunities to the general public;
- Four other beach/shoreline facilities are available in the County and specifically designed for RV parking, thus elimination of RV parking at this location will not result in a significant reduction in public access for RV vehicles overall.

With respect to the public safety issues, the Appellants contend that parallel parked RVs take up less shoulder space than perpendicularly parked cars and consequently RVs parked along this section of beach pose less of a safety concern than automobiles. This assertion compares apples to oranges inasmuch as a parallel parked car takes up less space than a parallel parked RV generally, as does a diagonally parked car versus a diagonally parked RV. Further, there are no delineated spaces for parking any type of vehicle, either RV or auto, in the project area. Thus, this assertion is not entirely on point. Moreover and more importantly, RVs are much larger than the average automobile in width, height and length and are therefore more liable to result in visual and physical obstruction, and thus they pose a potential safety hazard. In addition, many RVs today include various accoutrements that extend out from the body of the RV itself (including slide out features, awnings, etc.) resulting in more such potential for hazards. Finally, RVs are generally more actively used when parked than are vehicles that were used solely to transport visitors to the beach (i.e., RVs become a hub of related activity).

In sum, there is already inadequate space at this location to accommodate parking, let alone large vehicle parking. Parked cars (and RVs to a greater extent) in this confined space generally either extend onto the sandy beach itself or into the travel lanes, or both. Given the lack of dedicated bicycle and/or



pedestrian space and/or sidewalks, and the fact that this pushes these users into the travel lanes too, this presents a true public safety hazard requiring attention. Removing RVs from this stretch is likely to improve public safety and, by extension, recreational access opportunities and utility here. In fact, given ongoing user-conflicts at this location, some further parking restrictions may ultimately prove necessary (e.g., striping allowed parking areas, active enforcement to keep vehicles off the beach, etc.).⁸

The Appellants generally do not dispute the County's finding that elimination of RV parking in the project area will increase public access and recreational opportunities for the general public. They do, however, contend that RV users would be losing an important day use beach/park access point. However, this street area is not designated nor designed for RV parking and use,⁹ and the Coastal Act and LCP do not establish a preference for RV users. Rather they simply require that public recreational access opportunities be maximized. The average RV takes up about two (and in some cases three) normal sized parking spaces (not including a trailer), and restricts public use of the roadway otherwise (for biking, jogging, walking, etc.). Removing RVs from this equation will free up space for all other users of the beach/park at this location, a much larger group than the specialized RV group, thus increasing public access and recreational opportunities overall.

The County's action does not appear to have specifically addressed the appeal contentions regarding public access opportunities for persons with disabilities. In this respect, the LCP specifically addresses public access to parks and beaches for persons with disabilities and creates a preference for providing such access opportunities. However, the proposed RV parking restriction applies generally to all RVs, and not specifically to RVs with disabled placards. All other vehicles with disabled placards are permitted to park in the subject area, including vans that are specially equipped for disabled persons. As such, the County's action is directed to RVs, and not disabled parking access, and the proposed RV parking restriction does not violate the LCP with respect to disabled access.

In sum, while the RV parking ban will impact public access opportunities for RV users, the safety benefits provided by this restriction outweigh these impacts. Furthermore, the Coastal Act and LCP do not differentiate between RV users and the general public, at least with respect to public access opportunities, and the proposed restrictions will increase public recreational access opportunities for the public in general (by providing for additional parking space for normal-sized vehicles, and additional space within which to maneuver for joggers, bicyclist, pedestrians, etc.). Thus, the County's action does not raise a substantial Coastal Act or LCP public recreational access conformance issue.

Visual Resources

The County found that the RV parking ban "will improve the overall visual character of the beach view shed due to the large dimensions of these vehicles, which block view to the beach from the public right-

⁸ The County concurs on this point, indicating that "elimination of RV parking alone will not resolve the safety issues in this traffic corridor." Ultimately, the upcoming County redevelopment project will be confronted with resolving this issue more globally, including with respect to where and how to provide parking areas that can avoid such user conflicts.

⁹ Specialized and designated RV facilities along the County's shoreline are located at New Brighton State Beach, Sunset State Beach, Seacliff State Beach, and in the inland portion of the Santa Cruz Harbor.



of-way” (see Exhibit 2). The Appellants contend that the presence of RVs is a positive for the project area because RV users leave the beach cleaner than how they found it. It is also suggested that the parking curfew sufficiently mitigates impacts to visual resources. For example, the collective (i.e. identical) appeal states:

Some RV owners have taken advantage of this area and park out there every day and have become an eyesore. I couldn't stand looking at an RV parked out in front of my house everyday but this parking strip has a 10 O'clock curfew to stop this from getting out of hand.

The Commission does not concur. There is little doubt that large RVs block and otherwise negatively impact the public viewshed, both as seen from East Cliff Drive and the beach. An RV represents a significantly larger solid mass, and therefore a bigger visual obstruction, than the average-sized vehicle. This is only further exacerbated by the manner in which some of them are deployed (i.e., again, as indicated before, with slide out features, awnings, tables, etc.) and the fact that RVs are more prone to become activity centers than parked vehicles generally. Although such use and enjoyment by RVers is to be encouraged, this is not a designated RV area, and its use as if it were detracts from the beach viewshed as a result. The ten to six parking restriction is not sufficient to abate such impacts.¹⁰

In sum, the proposed RV parking ban should help to improve the significant East Cliff Drive and Twin Lakes State Beach viewshed, albeit incrementally, consistent with the LCP. The viewshed will still be impacted by parked cars and the lack of developed parking and recreational access improvements otherwise, but removing RVs from this equation should be a viewshed enhancement.¹¹ Thus, the County's action does not raise a substantial LCP visual resource conformance issue.

Substantial Issue Factors

As discussed above, there is strong factual and legal support for finding that this appeal does not raise a significant issue with respect to the Coastal Act and LCP. While the appeal raises concerns with respect to significant coastal resources, including public access and coastal viewshed protection, the approved project actually improves public access and the coastal viewshed, supporting the Commission's conclusion that the appeal raises no substantial issue. The remaining factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue, as the CDP is of limited extent and scope (it affects two short blocks and expires when the County's redevelopment project comes online), the decision is not likely to have any significant precedential value given the unique circumstances presented here, and the objections to the project do not raise any substantial issues of regional or statewide significance.

¹⁰ Moreover, it is not clear whether the 10 pm to 6 am parking restriction for this stretch of coast has ever been appropriately permitted. Commission staff has been researching the history of such restrictions in the Central Coast to ensure that public parking access is not unduly restricted, and to ensure that any such restrictions are appropriately permitted such that they have been rectified to the Coastal Act and the applicable LCPs. It appears likely at this point that this parking restriction question and issue in the project area will be best addressed through the upcoming County redevelopment project.

¹¹ Ultimately, as with the previous public safety question, the County's redevelopment project will be confronted with this question of where and how to park vehicles in such a way as to protect this same viewshed. There will certainly be a need to accommodate visitors who must drive to the area and need a place to park, but this need will have to be tempered by, and evaluated in tandem with, the potential for viewshed improvements associated with “hiding” parking (e.g., moving it away from the immediate shoreline) so that the immediate East Cliff Drive view is not encumbered by cars.



C. Substantial Issue Determination Conclusion

In conclusion, the proposed RV parking restriction presents interesting Coastal Act and LCP questions, particularly in relation to protecting a range of public access opportunities in the coastal zone. Ultimately though, the proposed RV parking ban will increase public access and recreational opportunities for the general public and decrease visual intrusion into the beach viewshed. Thus, although the appeal raises valid LCP questions deserving of thoughtful consideration, the appeal contentions do not raise a substantial issue with respect to Coastal Act and LCP conformance, and the Commission declines to take jurisdiction over the coastal development permit.

